

1
2
3
4
BEFORE THE
BOARD OF VOCATIONAL NURSING
AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

5 In the Matter of the Statement of Issues
6 Against:

Case No. VN-2008-327

7 JOANNA SYLVIA MURILLO
8 1220 Moffet Road
9 Modesto, CA 95351

Applicant for Vocational Nurse License


10 Respondent.
11

12 DECISION
13

14 The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of
15 Vocational Nursing and Psychiatric Technicians as the final Decision in the above-entitled matter.
16

17
18 This Decision shall become effective on November 28, 2012.

19 IT IS SO ORDERED this 29th day of October, 2012.
20

21
22 

23 Todd D'Braunstein, PT
24 President
25
26
27
28

1 KAMALA D. HARRIS
Attorney General of California
2 JANICE K. LACHMAN
Supervising Deputy Attorney General
3 LORRIE M. YOST
Deputy Attorney General
4 State Bar No. 119088
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 445-2271
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Statement of Issues Against:

13 **JOANNA SYLVIA MURILLO**
14 **1220 Moffet Road**
15 **Modesto, CA 95351**
16 **Vocational Nurse License**

17 Respondent.

Case No. VN-2008-327

18 **STIPULATED SETTLEMENT AND**
19 **DISCIPLINARY ORDER**

20 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
21 entitled proceedings that the following matters are true:

22 PARTIES

23 1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) is the Executive Officer of the
24 Board of Vocational Nursing and Psychiatric Technicians. She brought this action solely in her
25 official capacity and is represented in this matter by Kamala D. Harris, Attorney General of the
26 State of California, by Lorrie M. Yost, Deputy Attorney General.

27 2. Respondent Joanna Sylvia Murillo (Respondent) is represented in this proceeding by
28 attorney Paul Chan, whose address is:

Paul Chan
Law Offices of Paul Chan
400 Capitol Mall, Suite 2545
Sacramento, CA 95814

1 3. On or about March 12, 2008, Respondent filed an application dated February 29,
2 2008, with the Board of Vocational Nursing and Psychiatric Technicians to obtain a Vocational
3 Nurse License. The Board denied the application on April 15, 2010.

4 JURISDICTION

5 4. Statement of Issues No. VN-2008-327 was filed before the Board of Vocational
6 Nursing and Psychiatric Technicians (Board), Department of Consumer Affairs, and is currently
7 pending against Respondent. The Statement of Issues and all other statutorily required
8 documents were properly served on Respondent on March 14, 2011.

9 5. A copy of Statement of Issues No. VN-2008-327 is attached as Exhibit A and
10 incorporated herein by reference.

11 ADVISEMENT AND WAIVERS

12 6. Respondent has carefully read, fully discussed with counsel, and understands the
13 charges and allegations in Statement of Issues No. VN-2008-327. Respondent has also carefully
14 read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and
15 Disciplinary Order.

16 7. Respondent is fully aware of her legal rights in this matter, including the right to a
17 hearing on the charges and allegations in the Statement of Issues; the right to be represented by
18 counsel at her own expense; the right to confront and cross-examine the witnesses against her; the
19 right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas
20 to compel the attendance of witnesses and the production of documents; the right to
21 reconsideration and court review of an adverse decision; and all other rights accorded by the
22 California Administrative Procedure Act and other applicable laws.

23 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
24 every right set forth above.

25 CULPABILITY

26 9. Respondent admits the truth of each and every charge and allegation in Statement of
27 Issues No. VN-2008-327.

28 ///

10. Respondent agrees that her vocational nurse license application is subject to denial and she agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

CONTINGENCY

11. This stipulation shall be subject to approval by the Board of Vocational Nursing and Psychiatric Technicians. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Vocational Nursing and Psychiatric Technicians may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or her counsel. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

12. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

13. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

14. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

///

///

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that that a vocational nurse license will be issued to Respondent Joanna Sylvia Murillo and immediately revoked. The revocation will be stayed and the Respondent placed on three (3) years probation on the following terms and conditions.

1. **OBEY ALL LAWS.** Respondent shall obey all federal, state and local laws, including all statutes and regulations governing the license. Respondent shall submit, in writing, a full and detailed account of any and all violations of the law, including alleged violations, to the Board within five (5) days of occurrence.

To ensure compliance with this condition, Respondent shall submit fingerprints through the Department of Justice and Federal Bureau of Investigation within thirty (30) days of the effective date of the decision, unless the Board determines that fingerprints were previously submitted by the Respondent to the Board.

Respondent shall also submit to the Board a recent 2" x 2" photograph of herself within thirty (30) days of the effective date of the decision.

If Respondent is under a criminal court order, including probation or parole, and the order is violated, it shall be deemed a violation of these probation conditions.

2. **COMPLIANCE WITH PROBATION PROGRAM.** Respondent shall fully comply with the conditions of probation established by the Board and shall cooperate with representatives of the Board in its monitoring and investigation of the Respondent's compliance with the Probation Program.

Upon successful completion of probation, the Respondent's license will be fully restored.

3. **SUBMIT WRITTEN REPORTS.** Respondent shall submit or cause to be submitted, under penalty of perjury, any written reports, declarations and verification of actions as required by the Board or its representatives. These reports or declarations shall contain statements relative to Respondent's compliance with all the conditions of the Board's Program. Respondent shall immediately execute all release of information forms as may be required by the Board or its representatives.

///

1 In the first report, Respondent shall provide a list of all states and territories where she has
2 ever been licensed as a vocational/practical nurse, psychiatric technician, or registered nurse.
3 Respondent shall provide information regarding the status of each license and any change in
4 license status during the period of probation. Respondent shall inform the Board if she applies for
5 or obtains a new nursing or psychiatric technician license during the period of probation.

6 Respondent shall provide a copy of the Board's decision to the regulatory agency in every
7 state and territory in which she has applied for or holds a vocational/practical nurse, psychiatric
8 technician and/or registered nurse license.

9 **4. NOTIFICATION OF ADDRESS AND TELEPHONE NUMBER CHANGE(S).**

10 Respondent shall notify the Board, in writing, within five (5) days of any change in address or
11 telephone number(s).

12 Respondent's failure to claim mail sent by the Board may be deemed a violation of these
13 probation conditions.

14 **5. NOTIFICATION OF RESIDENCY OR PRACTICE OUTSIDE OF STATE.**

15 Respondent shall notify the Board, in writing, within five (5) days, if she leaves California to
16 reside or practice in another state. Periods of residency or practice outside of California shall not
17 apply toward a reduction of this probation time period. If Respondent resides or practices outside
18 of California, the period of probation shall be automatically extended for the same time period
19 she resides or practices outside of California. The Respondent shall provide written notice to the
20 Board within five (5) days of any change of residency or practice.

21 Respondent shall notify the Board, in writing, within five (5) days, upon her return to
22 California.

23 **6. MEETINGS WITH BOARD REPRESENTATIVE(S).** Respondent shall appear
24 in person at meetings as directed by the Board or its designated representatives.

25 **7. NOTIFICATION TO EMPLOYER(S).** When currently employed or applying for
26 employment in any capacity in any health care profession, Respondent shall notify her employer
27 of the probationary status of Respondent's license his notification to the Respondent's current
28 health care employer shall occur no later than the effective date of the Decision. The Respondent

1 shall notify any prospective health care employer of her probationary status with the Board prior
2 to accepting such employment. At a minimum, this notification shall be accomplished by
3 providing the employer or prospective employer with a copy of the Board's Accusation and
4 Disciplinary Decision.

5 The types of health care professions include, but are not limited to: licensed vocational
6 nurse, psychiatric technician, registered nurse, medical assistant, paramedic, emergency medical
7 technician, certified nursing assistant, home health aide, and all other ancillary technical health
8 care positions.

9 Respondent shall cause each health care employer to submit to the Board all performance
10 evaluations and any other employment related reports as required by the Board. Respondent shall
11 notify the Board, in writing, of any difficulty in securing employer reports within five (5) days of
12 such an event.

13 Respondent shall notify the Board, in writing, within five (5) days of any change in
14 employment status. Respondent shall notify the Board, in writing, if she is terminated or
15 separated, regardless of cause, from any nursing or health care related employment with a full
16 explanation of the circumstances surrounding the termination or separation.

17 **8. EMPLOYMENT REQUIREMENTS AND LIMITATIONS.** Respondent shall
18 work in her licensed capacity in the state of California. This practice shall consist of no less than
19 six (6) continuous months and of no less than twenty (20) hours per week.

20 Respondent shall not work for a nurses' registry or in any private duty position, a temporary
21 nurse placement agency, as a faculty member in an accredited or approved school of nursing, or
22 as an instructor in a Board approved continuing education course except as approved, in writing,
23 by the Board. Respondent shall work only on a regularly assigned, identified and predetermined
24 work site(s) and shall not work in a float capacity except as approved, in writing, by the Board.

25 **9. SUPERVISION REQUIREMENTS.** Before commencing or continuing
26 employment in any health care profession, Respondent shall obtain approval from the Board of
27 the supervision provided to the Respondent while employed.

28 ///

Respondent shall not function as a charge nurse (i.e., work in any healthcare setting as the person who oversees or directs licensed vocational nurses, psychiatric technicians, certified nursing assistants or unlicensed assistive personnel) or supervising psychiatric technician during the period of probation except as approved, in writing, by the Board.

10. **COMPLETION OF EDUCATIONAL COURSE(S).** Respondent, at her own expense, shall enroll and successfully complete a course(s) substantially related to the violation(s) no later than the end of the first year of probation.

The coursework shall be in addition to that required for license renewal. The Board shall notify the Respondent of the course content and number of contact hours required. Within thirty (30) days of the Board's written notification of assigned coursework, Respondent shall submit a written plan to comply with this requirement. The Board shall approve such plan prior to enrollment in any course of study.

Upon successful completion of the course, Respondent shall submit "original" completion certificates to the Board within thirty (30) days of course completion.

11. **MAINTENANCE OF VALID LICENSE.** Respondent shall, at all times, maintain an active current license with the Board including any period of suspension.

If an initial license must be issued (Statement of Issues) or a license is reinstated, probation shall not commence until a license is issued by the Board. Respondent must complete the licensure process within two (2) years from the effective date of the Board's decision.

Should Respondent's license expire, by operation of law or otherwise, upon renewal or reinstatement, Respondent's license shall be subject to any and all conditions of this probation not previously satisfied.

12. **LICENSE SURRENDER.** During probation, if Respondent ceases practicing due to retirement, health reasons, or is otherwise unable to satisfy the conditions of probation, Respondent may surrender her license to the Board. The Board reserves the right to evaluate Respondent's request and to exercise its discretion whether to grant the request without further hearing. Upon formal acceptance of the tendered license, Respondent will no longer be subject to the conditions of probation.

1 Surrender of Respondent's license shall be considered a disciplinary action and shall
2 become a part of Respondent's license history with the Board. A licensee who surrenders her
3 license may petition the Board for reinstatement no sooner than the following minimum periods
4 from the effective date of the disciplinary decision for the surrender:

5 Three (3) years for reinstatement of a license surrendered for any reason other than a mental
6 or physical illness; or One (1) year for a license surrendered for a mental or physical illness.

7 **13. CHEMICAL DEPENDENCY SUPPORT & RECOVERY GROUPS.** Within
8 five (5) days of the effective date of the Decision, Respondent shall begin attendance at a
9 chemical dependency support group (e.g. Alcoholics Anonymous, Narcotics Anonymous, Nurse
10 Support Group). Verified documentation of attendance shall be submitted by the respondent with
11 each written report as required by the Board. Respondent shall continue attendance in such a
12 group for the duration of probation.

13 **14. ABSTAIN FROM CONTROLLED SUBSTANCES.** Respondent shall completely
14 abstain from the personal use or possession of controlled substances, as defined in the California
15 Uniform Controlled Substances Act, and dangerous drugs as defined in Section 4021 and 4022 of
16 the Business and Professions Code, except when lawfully prescribed by a licensed practitioner for
17 a bona fide illness.

18 **15. ABSTAIN FROM USE OF ALCOHOL.** Respondent shall completely abstain
19 from the use of alcoholic beverages and products containing alcohol.

20 **16. SUBMIT BIOLOGICAL FLUID SAMPLES.** Respondent shall immediately
21 submit to biological fluid testing, at Respondent's cost, upon request by the Board or its designee.
22 There will be no confidentiality in test results; positive test results will be immediately reported to
23 the Board and the respondent's current employer.

24 **17. TAKE AND PASS LICENSURE EXAMINATION.**

25 Prior to commencing practice, Respondent shall take and pass the licensure exam currently
26 required of new applicants within two (2) years from the effective date of the Board's decision.
27 Respondent shall pay the established examination fees.

28 ///

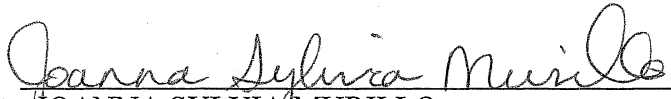
1 This probationary period shall not commence until the respondent has successfully passed
2 the licensure examination and a license is issued by the Board.

3 18. **VIOLATION OF PROBATION.** If Respondent violates the conditions of her
4 probation, the Board, after giving the Respondent notice and an opportunity to be heard, may set
5 aside the stay order and impose the stayed discipline (denial/revocation/suspension) of the
6 Respondent's license. If during probation, an accusation or petition to revoke probation has been
7 filed against the Respondent's license or the Attorney General's Office has been requested to
8 prepare an accusation or petition to revoke probation against the Respondent's license, the
9 probationary period shall automatically be extended and shall not expire until the accusation or
10 petition has been acted upon by the Board.

11 ACCEPTANCE

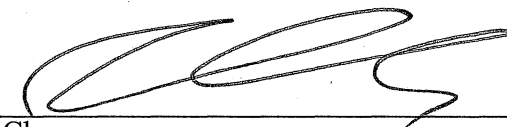
12 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
13 discussed it with my attorney, Paul Chan. I understand the stipulation and the effect it will have
14 on my Vocational Nurse License. I enter into this Stipulated Settlement and Disciplinary Order
15 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the
16 Board of Vocational Nursing and Psychiatric Technicians.

17
18 DATED: 6/20/12


19 JOANNA SYLVIA MURILLO
20 Respondent

21 I have read and fully discussed with Respondent Joanna Sylvia Murillo the terms and
22 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
23 I approve its form and content.

24 DATED: 6.25.12


25 Paul Chan
26 Attorney for Respondent
27
28

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Vocational Nursing and Psychiatric Technicians of the Department of Consumer Affairs.

Dated:

July 3, 2012

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
JANICE K. LACHMAN
Supervising Deputy Attorney General

Lorrie M. Yost

LORRIE M. YOST
Deputy Attorney General
Attorneys for Complainant

SA2010101616
10891999.doc

Exhibit A

Statement of Issues No. VN-2008-327

1 EDMUND G. BROWN JR.
Attorney General of California
2 JANICE K. LACHMAN
Supervising Deputy Attorney General
3 LORRIE M. YOST
Deputy Attorney General
4 State Bar No. 119088
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 445-2271
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Statement of Issues
12 Against:

Case No. VN-2008-327

13 **JOANNA SYLVIA MURILLO**
1220 Moffet Road
14 Modesto, CA 95351

STATEMENT OF ISSUES

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Teresa Bello-Jones, J.D., M.S.N., R.N. ("Complainant") brings this Statement of
20 Issues solely in her official capacity as the Executive Officer of the Board of Vocational Nursing
21 and Psychiatric Technicians ("Board"), Department of Consumer Affairs.

22 **Application for Vocational Nurse License**

23 2. On or about March 12, 2008, the Board received an Application for Vocational Nurse
24 Licensure from Joanna Sylvia Murillo ("Respondent"). On or about February 29, 2008, Joanna
25 Sylvia Murillo certified under penalty of perjury to the truthfulness of all statements, answers,
26 and representations in the application. The Board denied the application on April 15, 2010.

27 ///

28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258
259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300
301
302
303
304
305
306
307
308
309
310
311
312
313
314
315
316
317
318
319
320
321
322
323
324
325
326
327
328
329
330
331
332
333
334
335
336
337
338
339
340
341
342
343
344
345
346
347
348
349
350
351
352
353
354
355
356
357
358
359
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379
380
381
382
383
384
385
386
387
388
389
390
391
392
393
394
395
396
397
398
399
400
401
402
403
404
405
406
407
408
409
410
411
412
413
414
415
416
417
418
419
420
421
422
423
424
425
426
427
428
429
430
431
432
433
434
435
436
437
438
439
440
441
442
443
444
445
446
447
448
449
450
451
452
453
454
455
456
457
458
459
460
461
462
463
464
465
466
467
468
469
470
471
472
473
474
475
476
477
478
479
480
481
482
483
484
485
486
487
488
489
490
491
492
493
494
495
496
497
498
499
500
501
502
503
504
505
506
507
508
509
510
511
512
513
514
515
516
517
518
519
520
521
522
523
524
525
526
527
528
529
530
531
532
533
534
535
536
537
538
539
540
541
542
543
544
545
546
547
548
549
550
551
552
553
554
555
556
557
558
559
560
561
562
563
564
565
566
567
568
569
570
571
572
573
574
575
576
577
578
579
580
581
582
583
584
585
586
587
588
589
590
591
592
593
594
595
596
597
598
599
600
601
602
603
604
605
606
607
608
609
610
611
612
613
614
615
616
617
618
619
620
621
622
623
624
625
626
627
628
629
630
631
632
633
634
635
636
637
638
639
640
641
642
643
644
645
646
647
648
649
650
651
652
653
654
655
656
657
658
659
660
661
662
663
664
665
666
667
668
669
670
671
672
673
674
675
676
677
678
679
680
681
682
683
684
685
686
687
688
689
690
691
692
693
694
695
696
697
698
699
700
701
702
703
704
705
706
707
708
709
710
711
712
713
714
715
716
717
718
719
720
721
722
723
724
725
726
727
728
729
730
731
732
733
734
735
736
737
738
739
740
741
742
743
744
745
746
747
748
749
750
751
752
753
754
755
756
757
758
759
760
761
762
763
764
765
766
767
768
769
770
771
772
773
774
775
776
777
778
779
780
781
782
783
784
785
786
787
788
789
790
791
792
793
794
795
796
797
798
799
800
801
802
803
804
805
806
807
808
809
810
811
812
813
814
815
816
817
818
819
820
821
822
823
824
825
826
827
828
829
830
831
832
833
834
835
836
837
838
839
840
84

4. Code section 480 states, in pertinent part:

(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

FIRST CAUSE FOR DENIAL OF APPLICATION

5. Respondent's application is subject to denial pursuant to Code section 480,

///

///

///

